

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RODNEY HOLT,
Plaintiff,

vs.

WELLS FARGO BANK, N.A.;
NATIONAL DEFAULT SERVICING
CORP.

Defendants.

2:11-CV-01984-PMP-CWH

ORDER

On February 15, 2012 the Court conducted a hearing regarding several motions pending in this case, including Defendant Wells Fargo Bank's Motion to Dismiss Plaintiff's Complaint (Doc. #5) and Motion to Expunge Lis Pendens (Doc. #7) and Defendant National Default Servicing Corporation's Motion to Dismiss (Doc. #12). Having considered the arguments of the Parties presented at the hearing and on the papers filed, and for the reasons stated by Defendants therein, the Court finds that Defendants are entitled to the relief requested.

Plaintiff's Complaint is essentially based on an alleged oral contract that is unenforceable under the Statute of Frauds. N.R.S. §§ 111.205 and 111.210. Simply put, although Plaintiff clearly disagrees with the wisdom of Defendants' decision to not modify his mortgage loan or permit a tendered "short sale," Plaintiff nonetheless fails to state claims upon which relief can be granted before this Court.

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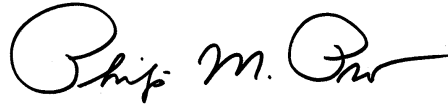
1 **IT IS THEREFORE ORDERED** that Defendant Wells Fargo Bank's
2 Motion to Dismiss Plaintiff's Complaint (Doc. #5) and to Expunge Lis Pendens
3 (Doc. #7) are **GRANTED**.

4 **IT IS FURTHER ORDERED** that Defendant National Default Servicing
5 Corporation's Motion to Dismiss (Doc. #12) is **GRANTED**.

6 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Remand (Doc.
7 #13) and Plaintiff's Emergency Motion for Declaratory Relief (Doc. #32) are
8 **DENIED**.

9 **IT IS FURTHER ORDERED** that the Clerk of Court shall forthwith
10 enter judgment in favor of Defendants and against Plaintiff.

11 DATED: February 17, 2012.

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13 PHILIP M. PRO
14 United States District Judge
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